

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

----- X
John Parker, Individually and on behalf of all :
others similarly situated, :
: Plaintiff, CIVIL ACTION NO.: 1:17-cv-397
: (GTS/CFH)
-against- :
Savage Fueling Corporation, : **NOTICE OF MOTION**
: Defendant. :
----- X

PLEASE TAKE NOTICE that, upon the Declaration of Chuck Schwab, Senior Vice President of People Operation, dated May 25, 2017, and the accompanying Memorandum of Law filed simultaneously herewith, Defendant Savage Fueling Corporation (“Defendant”), by its attorneys, DLA Piper LLP (US), will move before the Honorable Chief Judge Glenn T. Suddaby, United States District Judge, of the United States District Court, Northern District of New York, at Federal Building and U.S. Courthouse, P.O. Box 7367, Syracuse, New York 13261-7367, on July 6, 2017, at 10:00 a.m., for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss with prejudice Counts II and III of Plaintiff’s Complaint and for such other and further relief as the Court deems just and proper. The grounds upon which Defendant seeks relief are set forth in detail in the accompanying Memorandum of Law.

Dated: New York, New York.
May 26, 2017

Respectfully submitted,
DLA PIPER LLP (US)
1251 Avenue of the Americas, 27th Floor
New York, NY 10020-1104
212.335.4500

2000 Avenue of the Stars, Suite 400N
Los Angeles, CA 90067-4704
310.595.3000

By: /s/ Daniel Turinsky

Daniel Turinsky
Bar Roll No.: 302639
Daniel.turinsky@dlapiper.com

Maria C. Rodriguez
Admitted Pro Hac Vice
Maria.rodriguez@dlapiper.com

Benjamin M. Gipson
Admitted Pro Hac Vice
Ben.gipson@dlapiper.com

Katharine J. Liao
Admitted Pro Hac Vice
Katharine.liao@dlapiper.com

*Attorneys for Defendant
Savage Fueling Corporation*